

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

### INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:  
**MORRISON & FOERSTER LLP**  
**Attn. FAVORITO, Carolyn A**  
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**Suite 500**  
**San Diego California 92130-2332**  
**UNITED STATES OF AMERICA**

Date of mailing  
 (day/month/year) **28/01/2002**

Applicant's or agent's file reference  
**300622005541**

**PAYMENT DUE** within **45** ~~XXXX~~ s/days  
 from the above date of mailing

International application No.  
**PCT/US 01/ 25112**

International filing date  
 (day/month/year) **09/08/2001**

Applicant

**KOSAN BIOSCIENCES, INC.**

1. This International Searching Authority

- (i) considers that there are 3 (number of) inventions claimed in the international application covered by the claims indicated ~~XXXX~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~XXXX~~ on the extra sheet:

DOCKETED PAY FEES  
 REMINDER: 2/14/2002  
 DUE DATE: —  
 FINAL DUE DATE: 3/14/2002

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
**1-7 (all partially); 8 (completely)**

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 945,00 x 2 = EUR 1.890,00  
 Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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Authorized officer

**Henriëtte Huysing-Solles**

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. see 'Invitation to pay additional fees'  
This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 31247 A (KOSAN BIOSCIENCES INC) 2 June 2000 (2000-06-02) cited in the application the whole document page 42, line 4 -page 46, line 5 ✓ page 57, line 19-33 examples 6,8	1-7
X	--- GOKHALE R S ET AL.: "Dissecting and exploiting intermodular communication in polyketide synthases" SCIENCE, vol. 284, 16 April 1999 (1999-04-16), pages 482-485, XP002155932 ✓ ISSN: 0036-8075 the whole document	1,3,4,6
X	--- RANGANATHAN A ET AL.: "Knowledge-based design of bimodular and trimodular polyketide synthases based on domain and module swaps: a route to simple statin analogues" CHEMISTRY AND BIOLOGY, vol. 6, no. 10, October 1999 (1999-10), pages 731-741, XP000879061 ✓ ISSN: 1074-5521 the whole document --- -/--	1,3,4,6

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- \*G\* document member of the same patent family

**Annex Form PCT/ISA/206**  
**COMMUNICATION RELATING TO THE RESULTS**  
**OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No  
**PCT/US 01/25112**

**C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 44717 A (KOSAN BIOSCIENCES INC ;ASHLEY GARY (US); BURLINGAME MARK ALMA (US)) 3 August 2000 (2000-08-03) page 9, line 31 -page 13, line 2 page 18, line 6 -page 22, line 15 examples 15-18,24 claims 5,14,18 ✓	3-6
X	WO 99 03986 A (KOSAN BIOSCIENCES INC) ✓ 28 January 1999 (1999-01-28) examples 1-4,6 claims 6,9	3-6
X	WO 00 24907 A (KOSAN BIOSCIENCES INC) 4 May 2000 (2000-05-04) ✓ cited in the application the whole document	3-6
A	NICOLAOU K C ET AL.: "Chemical Biology of Epothilones" ANGEWANDTE CHEMIE (INTERNATIONAL EDITION), vol. 37, no. 15, August 1998 (1998-08), pages 2014-2045, XP002131418 ✓ ISSN: 0570-0833 cited in the application the whole document	2,7
A	WO 00 04865 A (UNIV PENNSYLVANIA) ✓ 3 February 2000 (2000-02-03) the whole document -----	